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ORDINANCE NO. 354

(As amended by Ordinances 355, 358, 377, 386, 389, 398, 404, 428, 433, 438, 445, 451, and 477)

AN ORDINANCE ESTABLISHING RATES, RULES AND
REGULATIONS FOR WATER SERVICES BY THE CITY OF
BLUE LAKE, HUMBOLDT COUNTY, CALIFORNIA

BE IT ORDAINED by the City Council of the City of Blue Lake, Humboldt County,
California, as follows:

ARTICLE I.
GENERAL PROVISIONS

1. SHORT TITLE. This ordinance shall be known and may be cited as “City of Blue Lake Water Ordinance.”

2. WORDS AND PHRASES. For the purpose of this ordinance all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

3. WATER SYSTEM. The City will furnish a system, plant, works and undertaking used for and useful in obtaining, conserving and distributing water for public and private uses, including all parts of said system, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

4. SEPARABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

5. PRESSURE CONDITIONS. All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the City harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

6. TAMPERING WITH CITY WATER DEPARTMENT PROPERTY. No person except an employee or representative of the City or Fire Department personnel in the performance of their duties, shall at any time in any manner operate the water stops or valves, corporation stops

or valves of the City's system; or interfere with meters or their connections, water lines or any other parts of the water system. No person shall tamper with or operate fire hydrants except an employee or authorized representative or a person involved in fighting a fire.

7. PENALTY FOR VIOLATION. For the failure of the customer to comply with all or any part of this ordinance, and any ordinance, resolution or order fixing rates and charges of this City, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the City that in the future he will comply with all the rules and regulations established by ordinance of the City and with all the rates and charges of this City.

8. RULING FINAL. All rulings of the City Council shall be final. All rulings of the Director of Public Works shall be final unless appealed in writing to the City Council within five (5) days. When appealed, the Council's ruling shall be final.

9. REPEALS. Ordinances No. 166, 183, 186, 194, 196, 197, 205, 221, 256, 259, 262, 298, 323 and 334 the water ordinance provisions of Ordinances No. 314 and 315 and all other ordinances or parts of ordinances in conflict herewith, are hereby repealed.

10. AMENDMENTS. Article XVI and Article XVII are amended from time to time.

ARTICLE II. DEFINITIONS

20. CITY means City of Blue Lake.

21. CITY CLERK means the City Clerk of the City of Blue Lake and any other person or persons in the City Clerk's office designated by the City Council or the City Clerk to perform Water Department functions under this ordinance.

22. CONNECTION means the pipeline and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from the main to the premises of the customer, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

23. COST means the cost of labor, material, transportation, supervision, engineering, overhead and all other expenses for which ever task is so designated.

24. COUNCIL means the City Council of the City of Blue Lake, California.
25. CROSS-CONNECTION means any physical connection between the piping system from the City service and that of any other water supply that is not, or cannot be, approved as safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the City distribution mains.
26. CUSTOMER means a water user who is serviced by the water supply system or purchases water from the Blue Lake water supply system.
27. DIRECTOR OF PUBLIC WORKS means the Director of Public Works of the City of Blue Lake and any other person or persons in the Department of Public Works designated by the City Council or the Director of Public Works to perform Water Department functions under this ordinance.
28. DISTRIBUTION MAINS OR MAINS means waterlines in streets, highways, alleys and easements used for public and private fire protection and for general distribution of water.
29. HOTELS are those living accommodations containing rooms to rent on a frequent, if not daily, basis.
30. HOUSE means a single-family living unit.
31. INDUSTRIAL USERS are those services located within industrial designation zones, in conformance with Zoning Ordinance No. 244 as amended.
32. MOBILE HOME means a single family living unit.
33. MULTI-FAMILY UNITS are those living accommodations containing more than one single-family living unit.
34. OWNER means the person owning the fee title, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.
35. PERSON means any human being, individual, firm, company, partnership, association and private or public or municipal corporation, the United States of America, the State of California, and any district, political subdivision, governmental agency and mandatory thereof.
36. PREMISES means a lot or parcel of real property under one ownership, except where there are well-defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be deemed

separate premises. Apartment houses and office buildings may be classified as single premises.

37. PRIVATE FIRE PROTECTION SERVICE means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefor.

38. PUBLIC FIRE PROTECTION SERVICE means the service and facilities of the entire water supply, storage and distribution system of the City, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

39. REGULAR WATER SERVICE means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefor.

40. SERVICE - has the same meaning as CONNECTION.

41. SERVICE CONNECTION - has the same meaning as CONNECTION.

42. TEMPORARY WATER SERVICE means water service and facilities rendered for construction work and other uses of limited duration, and the water available therefor.

43. WATER DEPARTMENT means the City Council of the City performing functions related to the City water service, together with the Director of Public Works, the City Clerk and other duly authorized representatives.

ARTICLE III. NOTICES

50. NOTICES TO CUSTOMERS. Notices from the City to a customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the City may resort to notification either by telephone or messenger.

51. NOTICES FROM CUSTOMERS. Notice from the customer to the City may be given by him or his authorized representative in writing (1) at the office of the City Clerk, or (2) to the Director of Public Works.

ARTICLE IV.

WATER DEPARTMENT

60. DEPARTMENT CREATED. The Water Department of the City of Blue Lake, California, is hereby created. Such department shall have charge and control of the water system of the City and all things necessary or incidental to the conduct and management of such department. The management, control and care of the Municipal Water System of the City of Blue Lake shall be vested in and under the direction of the City Council.

61. RESPONSIBILITY OF DIRECTOR OF PUBLIC WORKS. The City Council hereby designates, appoints, and charges the Director of Public Works with the duty to regularly inspect all physical facilities related to the City water system, to see that they are in good repair and proper working order, and to note violations of any water regulations. The Director of Public Works shall have full charge of maintenance, operation, and construction of the waterworks and system. He shall use employees of the Department of Public Works in fulfilling his obligations and duties. He shall perform such other duties as are imposed from time to time by the Council, and shall report to the Council in accordance with the rules and regulations adopted by the Council. The Director of Public Works shall promptly report any violations or disrepair to the Council. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to customers. He shall supervise all repair or construction work authorized by the Council and perform any other duties prescribed elsewhere in this ordinance or which shall be hereafter prescribed by the Council.

62. RESPONSIBILITY OF CITY CLERK. The City Council hereby appoints the City Clerk as the Billing Clerk in charge of the Water Department, whose duties shall consist of billing, collecting, and maintaining the bookkeeping system of the office. The City Clerk shall compute, prepare, and mail bills as hereinafter prescribed, accept payments, maintain proper books of account, collect, account for and refund deposits, do whatever else is necessary as directed by the City Council to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Council.

63. RESPONSIBILITY OF CITY TREASURER. The City Treasurer shall deposit all money collected from water payments.

ARTICLE V. APPLICATION FOR REGULAR WATER SERVICE

70. APPLICATION. Application for regular water service must be made on written or printed forms to be furnished by the City Clerk to the property owner or his agent, and the applicant must state fully and truthfully his name, address, purpose for which the water is to be used, the expected amount to be used on a monthly basis, the nature of the use (residential, commercial, or industrial) and at such time of application must pay the following:

(a) An amount equal to two and a quarter (2¼) times the monthly base rate (MBR) for water service in effect at the time of the application, rounded off to the nearest dollar, refundable at the time the service is disconnected.

(b) A non-refundable application fee in the amount of thirty dollars (\$30.00).

Personal identification will be required for the application. (Amended by Ord. 445)

71. UNDERTAKING OF APPLICANT. Such application will signify the customers willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for water service required.

72. PAYMENT FOR PREVIOUS SERVICE. An application will not be honored unless payment in full has been made for water service previously rendered by the City to the property, whether or not applicant or some other person has been previously billed for water service.

73. INSTALLATION OF SERVICES. Regular water service will be installed at the property location requested by the applicant and the Department of Public Works shall determine the precise location of the meter box and shall determine the meter size. Service installations will be made only to property abutting on distribution mains which have been constructed in public streets, alleys or easements or to extensions thereof as herein provided. If the main is located in the City, the Water Department shall provide adequate main size for adequate water service. If the main is located outside of the City or if the demand causes pipeline main sizes within the City to be inadequate, then the Department of Public Works shall approve the construction of mains of sufficient size to adequately provide water to the installation, the costs for which shall be borne by the ultimate service users. Meter boxes shall be placed on public right-of-way or easements at the curb line or in a location determined by the Department of Public Works. Services installed, by the City, in new subdivisions, prior to the construction of streets or in advance of street improvements, must be accepted by the applicant in the installed location.

74. INSTALLATION CHARGES.

(a) Charges inside the corporate limits of the City for the installation of new services and meters shall be composed of both a Water Service Connection Fee and a Physical Installation Fee and are hereby established as follows:

(1) **Water Service Connection Fee**, payable in advance, is a fee which pays for the capacity available of the water system:

METER INSTALLATION					
INPUT	NO.	SIZE	OUTPUT	FEE/SERVICE CONNECTION	TOTAL FEE
3/4"	1	5/8"	3/4" Single	\$1,534.00	\$1,534.00
3/4"	1	3/4"	3/4" Single	1,840.80	1,840.80
1"	1	1"	1" Single	2,761.20	2,761.20
1"	2	5/8"	3/4" Dual	1,534.00	3,068.00
1 1/2"	1	1 1/2"	1 1/2" Single	3,221.40	3,221.40
1 1/2"	3	5/8"	3/4" Triple	1,534.00	4,602.00
2"	1	2"	2" Single	5,522.40	5,522.50

(2) **Physical Installation Fee** is the cost to be paid to the City when it installs a service. The fee shall consist of the greater of the following:

A. the actual total cost, a portion of which may be payable after installation is complete, of all labor, materials, equipment, fees, expenses and all other costs incidental to the installation, including the cost of the meter, or,

B. the fee set forth in the following table, which shall be payable in advance.

METER INSTALLATION					
INPUT	NO.	SIZE	OUTPUT	FEE/SERVICE CONNECTION	TOTAL FEE
3/4"	1	5/8"	3/4" Single	\$ 613.60	\$ 613.60
3/4"	1	3/4"	3/4" Single	613.60	613.60
1"	1	1"	1" Single	690.30	690.30
1"	2	5/8"	3/4" Dual	460.20	920.40
1 1/2"	1	1 1/2"	1 1/2" Single	843.70	843.70
1 1/2"	3	5/8"	3/4" Triple	460.20	1,380.60
2"	1	2"	2" Single	1,534.00	1,534.00

(3) Minimum combined fees to be paid in advance:

METER INSTALLATION						
INPUT	NO.	SIZE	OUTPUT	CONNECTION FEE	INSTALLATION FEE	TOTAL
3/4"	1	5/8"	3/4" Single	\$1,534.00	\$ 613.60	\$ 2,147.60
3/4"	1	3/4"	3/4" Single	1,840.80	613.60	2,454.40
1"	1	1"	1" Single	2,761.20	690.30	3,451.50
1"	2	5/8"	3/4" Dual	3,068.00	920.40	3,988.40
1 1/2"	1	1 1/2"	1 1/2" Single	3,221.40	843.70	4,065.10
1 1/2"	3	5/8"	3/4" Triple	4,602.00	1,380.60	5,982.60
2"	1	2"	2" Single	5,522.40	1,534.00	7,056.40

(Amended by Ord. 445)

(b) Charges outside the corporate limits of the City for the installation of new services and meters, shall be composed of both a Water Service Connection Fee and a Physical Installation Fee and are hereby established as follows:

(1) **Water Service Connection Fee**, payable in advance, is a fee which pays for the capacity availability of the water system:

METER INSTALLATION					
INPUT	NO.	SIZE	OUTPUT	FEE/SERVICE CONNECTION	TOTAL FEE
3/4"	1	5/8"	3/4" Single	\$1,994.20	\$1,994.20
3/4"	1	3/4"	3/4" Single	2,393.04	2,393.04
1"	1	1"	1" Single	3,589.56	3,589.56
1"	2	5/8"	3/4" Dual	1,994.20	3,988.40
1 1/2"	1	1 1/2"	1 1/2" Single	4,187.82	4,187.82
1 1/2"	3	5/8"	3/4" Triple	1,994.20	5,982.60
2"	1	2"	2" Single	7,179.12	7,179.12

(2) **Physical Installation Fee** is the cost to be paid to the City when it installs a service. The fee shall consist of the greater of the following:

A. the actual total cost, a portion of which may be payable after installation

is complete, of all labor, materials, equipment, fees, expenses and all other costs incidental to the installation, including the cost of the meter, or,

B. the fee set forth in the following table, which shall be payable in advance.

METER INSTALLATION					
INPUT	NO.	SIZE	OUTPUT	FEE/SERVICE CONNECTION	TOTAL FEE
3/4"	1	5/8"	3/4" Single	\$ 767.00	\$ 767.00
3/4"	1	3/4"	3/4" Single	767.00	767.00
1"	1	1"	1" Single	843.00	843.00
1"	2	5/8"	3/4" Dual	536.90	1,073.80
1 1/2"	1	1 1/2"	1 1/2" Single	997.10	997.10
1 1/2"	3	5/8"	3/4" Triple	536.90	1,610.70
2"	1	2"	2" Single	1,917.50	1,917.50

(3) Minimum combined fees to be paid in advance:

METER INSTALLATION						
INPUT	NO.	SIZE	OUTPUT	CONNECTION FEE	INSTALLATION FEE	TOTAL
3/4"	1	5/8"	3/4" Single	\$1,994.20	\$ 767.00	\$ 2,761.20
3/4"	1	3/4"	3/4" Single	2,393.04	767.00	3,160.04
1"	1	1"	1" Single	3,589.56	843.00	4,432.56
1"	2	5/8"	3/4" Dual	3,988.40	1,073.80	5,062.20
1 1/2"	1	1 1/2"	1 1/2" Single	4,187.82	997.10	5,184.92
1 1/2"	3	5/8"	3/4" Triple	5,982.60	1,610.70	7,593.30
2"	1	2"	2" Single	7,179.12	1,917.50	9,096.62

(Amended by Ord. 445)

(c) In the case of multiple housing developments, inside and outside the corporate limits of the City, a single charge shall be made, with all fees, labor and material costs and expenses being borne by the developer of such multiple housing development in accordance with the current charge and fee schedule as a minimum.

(d) The Water Service Connection Fee shall be paid in advance of any work necessary for the installation. For services and meters larger than 2 inches, the City Engineer shall evaluate the City's cost of supplying the necessary capacity and shall prepare a recommendation of a fee, to be charged the applicant, for the review and approval of the City Council prior to the City granting approval for a water service installation.

(e) The Physical Installation Fee, payable in advance for the installation of a service and meter larger than 2 inches in size, inside the City limits, will be based on the City's estimated actual cost of the total cost of all labor, materials, equipment, fees, expenses and all other costs incidental to the installation including the cost of the meter, and including twenty percent (20%) as an additional installation service charge over the complete cost of the installation.

The Physical Installation Fee, payable in advance for the installation of a service and meter larger than 2 inches in size, outside the City limits, will be based on the City's estimated actual cost of the total cost of all labor, materials, equipment, fees, expenses and all other costs incidental to the installation including the cost of the meter, and including forty percent (40%) as an additional installation service charge over the complete cost of the installation.

(f) The service connection and all equipment appurtenant thereto, including the meter, shall be the sole property of the City, and no part of the cost thereof will be refunded to the customer.

(g) Only duly authorized employees or agents of the City will be authorized to install service connections.

(h) In the event the size of a meter or the service lines are increased after the original installation and connection of a meter, the property owner shall be charged the entire labor and materials cost of the installation for such increased size of service and meter. In the event that an enlarged demand requires a larger meter and service lines, the customer shall pay for the installation as required in this paragraph.

(i) The applicant will provide rights-of-way or easements necessary for the City to install any and all services.

(j) Notwithstanding any other provision of this Section 74, INSTALLATION CHARGES, whenever an application for the installation of a new service and meter is made by the lessee of real property owned by the City of Blue Lake and leased to such applicant pursuant to a lease in writing, such applicant shall have the option of paying the service connection fee in advance, or of paying it over a period of time not longer than the initial terms of the lease, plus a reasonable interest rate on the unpaid balance of such fee, upon such terms and conditions as are acceptable to the City Council of the City of Blue Lake. This subsection shall not relieve such applicant from the obligation to pay the full physical installation fee in advance. (Added by Ord. 377)

75. INSTALLATION CHARGES WHEN INSTALLED BY SUBDIVIDER. See Article

VII, SUBDIVISIONS.

76. CHANGES IN CUSTOMERS EQUIPMENT. Customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the City written notice of the nature of the change and amend their application.

77. SIZE AND LOCATION. The City reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The laying of customer's pipeline to the curb should not be done until the location of the service connection has been approved by the Director of Public Works.

78. METER STOP VALVE. Every service connection installed by the City shall be equipped with a lockable meter stop on the inlet side of the meter. The meter stop is intended for the exclusive use of the City in controlling the water supply through the service connection pipe. If the meter stop valve is damaged by the customer's use to an extent requiring replacement, such replacement shall be at the customer's expense.

79. DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION. It shall be unlawful to maintain a connection excepting in conformity with the following rules:

(a) Separate Building. Each building or mobile home, where residential, commercial or industrial activities are carried on, must be provided with a separate service connection. This does not apply to home use occupations. The City Council may grant permission for a separate meter with good cause. Two or more houses under one ownership and on the same lot or parcel of land may not be supplied through the same meter installation. A 3/4-inch service line, or smaller, shall serve not more than one house. A one-inch service line shall serve no more than two houses. A 1-1/2-inch service line shall serve no more than four houses. The Department of Public Works reserves the right to limit the area of land under one ownership to be supplied with one service connection. (Amended by Ord. 389)

(b) Single Connection. Not more than one service connection, for domestic, commercial, or industrial service shall be installed for one building, except under special conditions, and when approved by the Department of Public Works.

(c) Different Owners. One service connection shall not be used to supply adjoining property of a different owner or to supply property of the same owner, across a street or alley, or adjacent property owned by the same owner.

(d) Divided Property. When property provided with a single service is divided, provisions shall be made for individual services to each new parcel prior to approval of the division.

(e) Commercial and Industrial Service Connections. The Department of Public Works

shall determine the most appropriate service connection to be made for the differing demands of commercial and industrial water services.

(f) All services which do not meet the requirements of this paragraph as of the date of this ordinance do not need to conform to this paragraph.

80. SERVICE CONNECTIONS MAINTENANCE. The service connections extending from the water main to the property line and including the meter, meter box, union and lockable meter stop shall be maintained by the City. All pipes and fixtures extending or lying within the property line shall be installed and maintained by the owner of the property. If the City determines that the meter, meter box, union and lockable meter stop shall be installed beyond the property line on private property, the City shall be responsible for the maintenance of the meter, meter box, union and lockable stop and any piping up to the discharge union of the meter. Any pipe and fixtures extending beyond the discharge union of the meter shall be the maintenance responsibility of the owner of the property.

ARTICLE VI. SYSTEM EXPANSION

90. GENERAL. The City has the option to provide all system expansion as a result of application for service, provided the provisions of this Article VI are complied with by the applicant. All improvements that would be performed outside the City limits shall meet the requirements of this Article VI and Article VII, SUBDIVISIONS, and it shall be the responsibility of the applicant to make arrangements for and to provide and to make payment for rights of way, easements and all engineering, legal, and soils investigations and determinations. Costs expended by the City shall also be reimbursed.

91. SYSTEM EXPANSION. The following rules are established:

(a) Main Extensions. Any owner of one of more lots or parcels or subdivider of a tract of land, where in the opinion of the Department of Public Works, one or more main extensions are required, desiring regular water service to serve such property, shall make a written application therefor to the Water Department, said application to contain the legal description of the property to be served and tract number thereof, and any additional information which may be required by the Department of Public Works, and be accompanied by an engineering drawing showing plan and profile of the proposed extension, street grades, meter locations, services, existing utilities, and engineered details identifying construction, materials, and specifications.

(1) Investigation. Upon receipt of the application the Director of Public Works shall make an investigation and survey of the proposed extension and shall report his findings to the Council with his recommendations and the estimated cost thereof.

(2) Ruling. The Council shall thereupon consider such application and report and, after such consideration, reject or approve it. The City Council shall, prior to consideration of any main extension application, require that the application contain a complete cost estimate for the work including all construction, engineering design, surveying, inspection and other expenses. The Council shall, in its deliberations, consider the economic advantages or disadvantages to the people of the City of Blue Lake.

(b) Line Extension Ownership. All extensions approved by the City and constructed to City standards and accepted by the City in accordance with these regulations shall be and remain the property of the City. Such lines may be inside or outside of the City limits. If an industrial user requires a water main extension that will not be for residential uses, the City may consider non-ownership of the main extension. Such a line may be used under the provisions of a specific contract prepared with the applicant.

(c) Dead-end Lines. No dead-end lines shall be permitted except as approved by the City Council. In cases where, subsequent to the approval of a dead-end line by the Council, another dead-end line is planned in sufficient proximity to make connection feasible, and such connection is approved by the Council, the dead-end lines shall be connected. In cases where circulation lines are necessary, for service to existing services, the lines shall be designed and installed under the direction of the Department of Public Works. All costs of the circulation line are to be paid for by the City. If new circulation lines are required to support new development, the City Council may allocate costs to the new development applicants and/or the City.

(d) Main Extension Extent and Design. All main extensions shall extend to the far property line of developed property; provided however, that in any particular case where the Director of Public Works determines that compliance with this restriction is impractical for topographical or other reasons, and for said reasons recommends in writing to the City Council that such compliance be not required in said case, the City Council may authorize non-compliance. All main extensions shall be subject to design approval by the City Engineer. All mains shall have sufficient legal right of way or easement width which shall be available for use by the City at all times.

(e) Pump Station Capacity. When an application for additional water usage, in excess of 50,000 cubic feet per month, is made to the Water Department, the City Engineer shall prepare a report which addresses the capacity and economic impacts of the increased demand upon the pump station and the City. The City Council shall determine the amount of special fee, if any, that shall be allocated to the applicant as reimbursement for pump station upgrade costs. All costs of the study will be reimbursed to the City by the applicant.

(f) Water Storage Capacity. When an application for additional water usage, in excess of 50,000 cubic feet per month, is made to the Water Department, the City Engineer shall prepare a report, which addresses the capacity and economic impacts of the increased demand upon the water system storage capacity. The City Council shall determine the amount of special fee, if any, that shall be allocated to the applicant as reimbursement for additional storage. All costs of the study will be

reimbursed to the City by the applicant.

92. CONSTRUCTION PERFORMANCE. Where, in the opinion of the Director of Public Works, with approval of the City Council, it is in the best interest of the City to have construction and/or engineering performed by properly licensed private contractors and/or engineers, rather than by City personnel, work shall be thus performed.

If the work is to be done under the direction and the authority of the City, applicant shall make an advance payment to the City as required in paragraph 93, ADVANCE COSTS.

If the work is to be done by the applicant, he shall submit plans, specifications and costs estimates prepared by a Registered Engineer and such submission shall be approved by the City Engineer prior to granting the applicant approval to construct the improvements. Construction work to become the property of the City shall require full—time inspection by qualified employees or representatives of the City. Costs for such inspections shall be paid to the City by the applicant.

Work done by the applicant or under his direction shall require the contractor to provide a cash deposit or bonding sufficient to guarantee completion of the work. In addition the City of Blue Lake shall be included as co-insured under the contractor's liability insurance policy.

93. ADVANCE COSTS. When improvements are required to serve inside or outside of the City, the applicant shall advance the amount of the estimated costs to the City for the construction of the work, prior to beginning the work.

If the amount of the deposit advanced is insufficient to pay all the costs of construction, engineering, legal, insurance, right of way, inspection and other charges attributable to the work, the applicant shall advance a sum sufficient to pay all such costs to the City prior to the acceptance of the work by the City Council.

If the amount of the advance deposit exceeds the actual costs to the City of construction, engineering, legal, insurance, right of way, inspection and other charges attributable to the extension, the balance shall be refunded to the applicant and such repayment shall be independent of acceptance of the completed work by the City Council.

94. REPAYMENT FOR CONSTRUCTION. Whenever a property owner, including a subdivider, constructs a water main extension which can be used for the benefit of other properties, the City may collect for a period not to exceed ten (10) years from the termination of construction, from any user of such extension, a fee, prorated to the cost of the extension. That prorated cost shall be calculated using the following equation:

$$\frac{\text{Total Project Cost} \times \text{Length of Extension Fronting Property}}{\text{Total Length of Extension (ft.)} \times 2}$$

If special circumstances warrant a revision of the formula, the City Council shall make that determination. Special circumstances may include but not be limited to a physical feature or zoning restriction which prohibits construction on a portion or all of one side of the street.

The prorated sum shall be paid to the City Water Department which, in turn, shall be paid by the Water Department to the owner or his assigns, who originally advanced funds for such extension. Where more than one owner contributed towards the construction of the extension, such sum shall be refunded to owners, or their assigns, prorata according to the amounts which they severally contributed toward the cost of the extension. The Water Department shall in no way be responsible for the payment of refund monies nor shall the City assume that refund payment equal the total cost of the extension. Nor shall refund be made from any revenue derived from water service or other City funds.

A main extension to an existing main shall be treated by the City as required by this section and other paragraphs of this ordinance.

At the time of hook-up application, the City Council will determine whether, and in what amount, a refund will be made to the owner or owners who have contributed toward the costs of a main extension. The Water Department is under no obligation to and is not responsible to assure the payments of any refunds. However, the City shall not approve any water service connections to main line extensions until a deposit in the amount, as calculated in this section, and subject to the time limit, be placed with the City.

Any water service connections made to main extensions within the City and paid for by the City or other parties are not subject to these refund provisions.

Water service connections made to main extensions outside of the City and paid for by the City or other parties are subject to these refund provisions. In the case that the City was financially responsible for the main line extensions it shall be treated as if it were the developer under these provisions.

95. **ASSESSMENT CONNECTION CHARGE.** In addition to all other charges of the City, there shall be collected, prior to the connection to the water distribution system of the City, special connection charges for any lot or parcel of property that abuts on or can be served by a water main or facility of the City, constructed pursuant to Special Assessment Proceedings, for which the property was not assessed. The charge shall be at the unit rate or rates established and assessed in said special assessment proceedings. Such charge shall be payable in cash and in advance within ten (10) days of the date of the application to the City, or in such installments as may be provided in the event assessment proceedings are conducted to finance same.

ARTICLE VII.

SUBDIVISIONS

100. INTERPRETATION. Construction of water systems in subdivisions, tracts or housing developments shall not be interpreted as being main extensions and shall not be entitled to the main extension refund agreement.

101. APPLICATION. A person desiring to provide a water system within a tract of land which he proposes to subdivide, shall make written application therefor to the Water Department and shall comply in all respects with Ordinance No. 237 as now or hereafter amended. The application fee shall be one hundred dollars (\$100) and shall be paid at the time of application.

102. APPLICATION CONTENTS. The application shall include the name and address of the developer, the assessor's number(s) of the tract(s), the name and location of the subdivision and the Tentative Map of the subdivision.

The Director of Public Works shall then make an investigation in accordance with Section 103 of this ordinance. The results of this investigation will be used in establishing conditions of approval for the subdivision. Prior to final acceptance of the application for regular water service, under Article V of this ordinance, the applicant must submit the final map, construction plans, specifications, construction cost estimates, rights-of-way agreements, and all other engineering and construction details and data requested by the City and required for the construction work to complete the subdivision. All such data shall be prepared by an Engineer, registered in the State of California.

103. APPLICATION INVESTIGATION. Upon receiving the application, the Director of Public Works shall make an investigation of the proposed subdivision, shall review the submitted data and shall make a written report of his findings, conclusions and recommendations to the Council. Such recommendations shall include a detailed cost estimate of the facilities required to provide an adequate supply of water to the proposed subdivision.

104. COUNCIL DETERMINATION. If the Council determines that approval of the application is not within the best financial interests of the City, the Council may require the applicant to pay for any or all required improvements in the City-owned supply, treatment, storage or distribution facilities.

105. SPECIFICATIONS AND CONSTRUCTION. The types, sizes, quantities and qualities of materials and the locations of all water lines shall be as approved by the Department of Public Works. The actual construction may be done by the Water Department or by a contractor acceptable to it. In either event, the work shall be inspected by the Water Department and completion will be subject to the approval of the work by the Department of Public Works. Water service will not be provided until receipt by the applicant of a written notice of completion from the Department of Public Works. The fire hydrants shall not be located more than 300 feet apart.

106. CONSTRUCTION DEPOSIT. Applicant shall advance to the City one hundred and twenty percent (120%) of the cost of water utilities construction as estimated by the Department of Public Works, if the work is to be constructed by the City. If the applicant's contractor is to perform the construction, then twenty percent (20%) of the cost of water utilities construction estimated by the Department of Public Works shall be submitted to the City prior to approval of the building permit.

107. ADJUSTMENT. In the event that the water system is constructed by the City, adjustments between the estimated cost and actual cost of the installation shall be made before the commencement of water service. The final payment to the City will be one hundred and twenty percent (120%) of the total cost of the water utilities construction.

In the event that the water system is constructed by the applicant, adjustments between the estimated cost and actual cost of the installation shall be made before commencement of water service. In such case, the applicant shall pay twenty percent (20%) of the total cost of water utilities construction to the City.

108. CONNECTIONS. The subdivider shall, at his cost, provide connections to all domestic, commercial and industrial facilities within the subdivision. The installation charges shall be as specified in Article V.

109. PROPERTY OF CITY. All water lines, fire hydrants and appurtenances thereof shall be the property of the City. Rights-of-way and easements shall permit access to all City-owned property by City employees at all times.

ARTICLE VIII. GENERAL USE REGULATIONS.

120. NUMBER OF SERVICES PER PREMISES. The applicant may apply for as many services as may be reasonably required for his premises provided that the pipeline system from each service be independent of the others and that they not be interconnected. The cost of all services shall be paid by the applicant in accordance with the charges in Article V.

121. WATER WASTE. No person shall permit any leaks or waste of water. Where water is wastefully or negligently used on a person's premises, affecting the general service, the Water Department may discontinue the service, until the condition is corrected and approved by the Director of Public Works. Discontinuance of service will take place on the fifth day after receipt of notice by the customer or owner.

122. RESPONSIBILITY FOR EQUIPMENT ON CUSTOMER PREMISES. All facilities installed by the Water Department on private property for the purpose of rendering water service

shall remain the property of the City and may be maintained, repaired or replaced by the Water Department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining said facilities on private property. No persons shall place or permit the placement of any object in a manner which will interfere with the free access to a meter box or will interfere with the reading of a meter.

123. **DAMAGE TO WATER SYSTEM FACILITIES.** The customer shall be liable for any damage to the water service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any such damage promptly on presentation of the bill.

124. **GROUND-WIRE ATTACHMENT.** All persons are forbidden to attach any ground wire or wires to any plumbing which is or may be connected to a service connection or distribution main belonging to the City, except as permitted or required by the City's duly adopted building codes, rules, or regulations. The City will hold the customer liable for damage to its property occasioned by any unauthorized ground-wire attachment. (Amended by Ord. 445)

125. **CONTROL VALVE ON CUSTOMER'S PROPERTY.** The customer shall provide a valve on his side of the service installation, as close to the meter location as practicable, to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn water on and off.

126. **CROSS-CONNECTION CONTROL.** Cross-connection control shall be as prescribed in Ordinance No. 438. (Amended by Ord. 438)

127. **SPECIAL CASES.** In special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process water, the Department of Public Works may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the back-flow prevention devices. The work done shall be acceptable to and approved by the State Department of Public Health. The cost of any work necessary to provide the added precautionary equipment will be paid by the property owner.

128. **RELIEF VALVES.** As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him at his expense when check valves or other protective devices are used. The relief valves shall be installed between the check valves and the water heater.

129. **BACK-FLOW DEVICE.** Whenever back-flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the

City's mains entering such premises, buildings or structures shall be protected by an approved back-flow device, regardless of the use of the additional water supply lines.

130. **INSPECTION.** The double-check valve or other approved back-flow protection devices may be inspected and tested periodically for water tightness by the City. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the customer.

131. **DISCONTINUED SERVICE.** The service of water to any premises may be immediately discontinued by the Department of Public Works if any defect is found in the waterlines, valves, any protective devices or if any dangerous cross connections exist. Service shall not be restored until such defects are corrected.

132. **INTERRUPTIONS IN SERVICE.** The City shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Water Department. Temporary shutdowns may be made by the Director of Public Works to make improvements and repairs. Whenever possible and as time permits, all customers affected will be notified prior to making such shutdowns. The City will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.

133. **INGRESS AND EGRESS.** Representatives of the Department of Public Works shall have the right of ingress or egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

134. **DIRECT CONNECTIONS TO EQUIPMENT.** No direct connection shall be made between City pipes and any stationary steam boiler, hydraulic elevator, power pump or similar apparatus. Where City water is used to supply this type of equipment, the City may require the owner to provide tankage of sufficient capacity to afford an adequate supply, as approved by City Engineer. Violations of this section may subject the customer to immediate discontinuance of service.

Air gap separation may be required by the City Engineer.

135. **DAMAGES THROUGH LEAKING PIPES AND FIXTURES.** When turning on the water as requested by the property owner or the customer, the City will not be held liable for any damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

136. **WATER SHORTAGE.** In the event of water shortage resulting from whatever reason, the City shall develop a program of allocation of water among its various users. First priority shall be given to necessary domestic and fire protection uses. All water customers will be subject to the minimum monthly charge currently identified by ordinance.

ARTICLE IX. METERS

150. INSTALLATION. All services except those supplying City-owned property shall be metered. Meters will be installed in the sidewalk area, and shall be owned by the City and Installed and removed by the Department of Public Works. No rent or other charge will be paid by the City for a meter or other facilities, including connections. All meters will be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

151. CHANGE IN LOCATION OF METERS. Persons requesting a change in a meter location shall make such request, in writing, to the Department of Public Works.

Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the City's property will be relocated at the City's expense.

152. METER TESTS. The Department of Public Works, at its convenience, will test all meters requested by water customers. All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast.

If a customer desires to have the meter serving his premises tested, he shall first deposit twenty five dollars (\$25) for meters up to one inch (1") in size and fifty dollars (\$50) for meters larger than one inch (1") in size and shall be present when the meter is tested. Should the meter register more than two percent (2%) fast, the deposit will be refunded. However, should the meter register less than two percent (2%) fast, the deposit will be retained by the Water Department and applied to any undercharge based upon corrected meter readings.

153. ADJUSTMENT FOR METER ERRORS -- FAST METERS. If a meter tested at the request of a customer pursuant to Section 152 is found to be more than two percent (2%) fast, the excess charge for the time service was rendered to the customer requesting the test or for a period of six (6) months, whichever shall be the lesser, shall be refunded to the customer.

154. ADJUSTMENT FOR METER ERRORS -- SLOW METERS. If a meter tested at the request of a customer pursuant to Section 152 is found to be more than two percent (2%) slow, the City Clerk may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six (6) months, that the meter was in use.

155. NON-REGISTERING METERS. When a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption for a comparable period or by such other methods as is determined by the City Clerk.

156. ADJUSTMENTS -- EMERGENCY. In the event of a leak in a waterline located on

the discharge side of the water meter, that is repaired within sixteen (16) hours of notification of the customer by the City, there will be an adjustment to their normal bill by the billing clerk at the rate of the average of the prior four (4) months water consumption plus one quarter (1/4) of the excess water. If the leakage occurs in the line of a customer outside the City limits, the adjustment to the normal bill shall be at the rate of the average of the prior four (4) months water consumption plus one half (1/2) of the excess water.

In the event the leak is not repaired within sixteen (16) hours, the customer will be billed for the total quantity of water used as recorded by the customer's meter. In unusual conditions, the City Clerk may determine if any bill adjustment is required.

157. DAMAGE TO METERS. The City reserves the right to set and maintain a meter on any service connection. The water customer shall be held liable, however, for any damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises.

ARTICLE X. BILLING

170. BILLING PERIOD. The regular billing period will be monthly; however, the City reserves the right to change the billing period at any time.

171. METER READING. Meters will be read as nearly as possible on the same day of each month.

172. OPENING AND CLOSING BILLS. Opening and closing bills for less than the normal billing period will be prorated both as to minimum charges and quantity blocks. If the total period for which the service is rendered is less than one (1) month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the City Clerk for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

173. WATER CHARGES. Water charges are due and payable at the office of the City Clerk on the date of mailing the bill. Water charges shall become delinquent one month after the meter reading date. Service shall be discontinued without further notice if payment is not made within two months after the meter reading date. All bills delinquent one month or more shall be subject to a 10 percent (10%) finance charge for the first month and a two percent (2%) finance charge per month thereafter. A ten dollar reconnection charge shall be made and collected prior to renewing service following a discontinuance. (Amended by Ord. 404)

174. PAYMENT OF BILLS. Bills for metered water service shall be rendered at the end

of each billing period. Bills shall be payable on presentation. On each bill for water service rendered by the City Clerk shall be printed substantially the following: "If this bill is not paid within two months after the meter reading date, service shall be discontinued. A reconnection charge and finance charges will be made and collected prior to renewing service following a discontinuance." (Amended by Ord. 404)

175. CUSTOMER'S GUARANTEE. The water charge begins on the day that the service connection is installed and the meter is set, unless the water is ordered to be shut off when the service connection is ordered to be installed. Before water is turned on by the City for any purpose whatever, the property owner must sign a form in which he guarantees payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the City Clerk is notified in writing to discontinue service or to transfer the account to another property owner.

176. WATER USED WITHOUT REGULATION APPLICATION BEING APPROVED. A person taking possession of premises and using water from an active service connection without having made application to the City for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made within five (5) days after notification to do so by the City Clerk, the service may be discontinued without further notice.

177. INTERRUPTION OF SERVICE. In the event of interruption of water service, all water customers will be subject to the minimum monthly charge currently identified by ordinance, or the monthly bill, whichever is greater.

ARTICLE XI. DISCONTINUANCE OF SERVICE

190. DISCONNECTION FOR NON-PAYMENT. Service may be discontinued for non-payment of bills on the thirtieth (30th) day after the bill was mailed. A customer's water service may be discontinued if water service furnished at a previous location is not paid for within the time herein fixed for the payment of bills. If a customer receives water service at more than one location and the bill for service at any one location is not paid within the time provided for payment, water service at all locations may be discontinued.

191. RECONNECTION. Failure to receive bill does not relieve customer and/or property owner of liability. Any amount due shall be deemed a debt to the City, and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the City in any court of competent jurisdiction for the amount thereof.

192. RECONNECTION CHARGE. A reconnection charge of ten dollars (\$10) plus

penalties will be made and collected prior to renewing service following a discontinuance or short-term disconnection. When bills are delinquent, the Water Department may demand that the full amount of both delinquent and current bills be paid prior to reconnection.

193. UNSAFE APPARATUS. Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

194. CROSS-CONNECTIONS. Water service may be refused or discontinued to any premises where there exists a cross-connection in violation of city, state or federal laws.

195. FRAUD OR ABUSE. Services may be discontinued if necessary to protect the City against fraud or abuse.

196. NON-COMPLIANCE WITH REGULATIONS. Service may be discontinued for non-compliance with this or any other ordinance or regulation relating to the water service.

197. UPON VACATING PREMISES. Customers and/or property owners desiring to discontinue service should so notify the City Clerk two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customer and/or property owner shall be liable for charges whether or not any water is used.

198. SHORT-TERM DISCONNECTION. Upon notification to the City Clerk, short-term disconnections will be made by locking the curb stop valve on the delivery side of the meter. The customer will be charged at the rate established in Articles XVI and XVII for that month in which the service is connected one (1) day or more.

ARTICLE XII. COLLECTION BY SUIT

(210. PENALTY. Deleted by Ord. 404)

211. SUIT. All unpaid rates and charges and penalties herein provided may be collected by suit and may be referred by the City Clerk to a collection agency.

212. COSTS. Defendant shall pay all costs of suit in any judgement rendered in favor of the City.

ARTICLE XIII.

PUBLIC FIRE PROTECTION

220. USE OF FIRE HYDRANTS. Fire hydrants are for use by the City or by organized fire protection agencies pursuant to contract with the City. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Department of Public Works prior to use and shall operate the hydrant in accordance with instructions issued by the Department of Public Works. Unauthorized use of hydrants will be prosecuted according to law.

221. TYPE OF FIRE HYDRANTS. Type of fire hydrants installed on the water system shall be subject to approval by the City and the Fire Protection District.

222. COST OF INSTALLATION. Installation of all hydrants within the City shall be paid for by the City. Cost of installation of all hydrants outside of the City limits shall be paid for by the Fire Protection District.

223. MOVING OF FIRE HYDRANTS. When a fire hydrant has been installed in the location specified by the City and/or the Fire Protection District, the City has fulfilled its obligation. Any change in the location or size of a fire hydrant must be approved by the City Council and the Fire Protection District. If a property owner or other party desires a change in the size, type or location of a hydrant, he shall bear all costs of such changes, without refund. If the Fire Protection District requests changes in the location, size or type of fire hydrant, the costs are the responsibility of the Fire Protection District, except that the costs may be refunded if so decided by the City Council.

ARTICLE XIV. PRIVATE FIRE PROTECTION

230. APPLICATION. Application shall be made to the Department of Public Works for construction of a private fire protection service connection. The application fee is ten dollars (\$10).

231. PHYSICAL REQUIREMENTS. A private installation shall be required to consist of a shut-off valve of the same size as the line, a line of a size to provide a minimum of five hundred (500) gallons per minute (but not less than two inch (2") diameter pipe size), a detector check valve, a bypass meter, a concrete pad and a hydrant approved by the Fire District. Service may be furnished only if adequate provision is made to prevent the use of water from such service for purposes other than fire extinguishing.

232. PAYMENT. The applicant for private fire protection service shall pay in advance the estimated cost prepared by the City Clerk of installing the service connection. The charge for such installation will be based on an estimate of the total cost of all labor, materials, equipment and other costs incidental to the installation. Private fire service connections installed outside of the City

limits shall be charged cost of such installation plus an additional fifty dollars (\$50).

233. CONNECTION TO OTHER SYSTEMS. No person shall make or allow to exist any connection between this fire protection system and any other water distribution system.

234. USE. There shall be no water used through the fire protection service except to extinguish fires and for testing the fire fighting equipment.

235. METER RATES. Any consumption recorded on the meter will be charged for at the regular service rates of Articles XVI and XVII, except that no charge will be made for water used for extinguishing fires where such fires have been reported to the Fire Protection District and the Department of Public Works.

236. MONTHLY RATES. The monthly rates for private fire protection within the fire protection district shall be based on the size of the meter that services the fire protection system and are as follows:

Meter Size (inches)	Cost \$
2	2.00
3	5.00
4	8.00
6	14.00
8	32.00
10	50.00

In addition to the above, the rate shall add \$2.00 per month per acre of property for which protection is provided with a \$2.00 minimum per parcel per month.

In the event that the private fire protection system does not have a meter, this ordinance shall view the meter size as being the pipeline size that provides service to hydrants, hose reels, automatic sprinkler systems or other forms of private fire protection.

Rates for private fire protection service outside the corporate limits of the City shall be those listed above, plus ten percent (10%). (Amended by Ord. 445)

237. WATER FOR FIRE STORAGE TANKS. When water is obtained from a private fire service for filling a tank connected with the fire service, written permission must be secured from the City in advance and measurement must be made by the City. The regular water rates of Articles XVI and XVII will be applied.

238. VIOLATION OF AGREEMENT. If water is used from a private service in violation

of the agreement or of these regulations, the City may discontinue the service.

239. **WATER PRESSURE AND SUPPLY.** The Water Department does not guarantee pressure or continuous supply, nor will it accept responsibility at any time for the maintenance of pressure or its lines, nor for increases or decreases in pressure. All persons applying for, or receiving private fire protection water service, shall be deemed to have consented to such conditions of pressure and service as are provided by the distribution system at the location served, and to hold the City harmless from any damages arising out of low-pressure or high-pressure conditions or interruptions of service.

The Water Department reserves the right at any and all times, without notice, to shut off water for the purpose of making repairs, extensions, alterations or improvements, and to increase or reduce pressures as a part of its operations. Neither the City nor the Water Department nor its officers, employees or agents shall incur any liability of any kind whatsoever for any damage to persons or property caused in any manner by the use of water by the private protection service user.

Customers depending upon a continuous and uninterrupted supply shall provide emergency storage, oversize piping, pumps, tanks, pressure regulators, check valves, or other means for a continuous supply or to safeguard their facilities.

240. **RULES.** The following rules shall apply to fire service connections:

(a) **Valve.** When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.

(b) **Meter.** If the City does not require a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fire, it shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply to such premises.

(c) **Additional Service.** The City shall have the right to take a domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. City shall also have the right to determine the proportions of the installation costs properly chargeable to each service connection, if such segregation of costs shall become necessary.

(d) **Check Valve and Bypass Meter.** There shall be installed on all fire line connections, two inch (2") pipe size and larger, used exclusively for unmetered private fire service, a detector check valve of a type approved by the National Board of Fire Underwriters and equipped with a bypass meter.

(e) **A right of way or easement shall be granted by the applicant that allows access by**

City representatives at all times to all parts of the private protection service.

ARTICLE XV.
TEMPORARY SERVICE

260. APPLICATION FOR TEMPORARY SERVICE FROM WATER MAIN. The applicant shall deposit, in advance with the City, the cost to the City estimated by the Director of Public Works of installing and removing the facilities required to furnish said service. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as to any additional charge, refund or credit. Normal rates for water usage shall be levied as per Articles XVI and XVII.

261. APPLICATION FOR TEMPORARY SERVICE FROM FIRE HYDRANT. If applicant requests water service supplied through a fire hydrant, the applicant will be charged in accordance with the following schedule and shall be subject to the monthly rates per Articles XVI and XVII:

(a) A flat charge for both installation and removal of the service facilities, including meter -- \$50.00. Payment shall be made in advance to the City.

(b) For each additional move of the facilities to another location -- \$15.00. Payment to be made in advance of the move.

Service from a fire hydrant may be discontinued without notice, if the hydrant is needed to help extinguish a fire. The City will not be held liable for any damages caused by the disconnection.

262. DURATION OF SERVICE. Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the City.

263. INSTALLATION AND OPERATION. All facilities for temporary service to the customer connection shall be made by the Department of Public Works and shall be operated in accordance with its instructions.

264. RESPONSIBILITY FOR METERS AND INSTALLATIONS. The customer shall use all possible care to prevent damage to the meter or to any other facilities of the City which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight (48) hours notice in writing has been given to the City that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

265. UNAUTHORIZED USE OF HYDRANTS. Tampering with any fire hydrant, for any purpose, is a misdemeanor punishable by law. Unauthorized use of hydrants shall include damaging of the hydrant through the use of wrenches other than a proper spanner wrench and shall be classed as a misdemeanor punishable by law.

ARTICLE XVI. RATES INSIDE CITY LIMITS

270. RATE SCHEDULE. Rates for water service within the limits of the City of Blue Lake, California, shall be composed of a Monthly Base Rate and the greater of a Monthly Use Rate or a Monthly Demand Rate, which are hereby established as follows:

(a) Monthly Base Rates shall always be charged for each month in which a meter is in service and shall always be in addition to the Monthly Use Rate or the Monthly Demand Rate and are as set forth in Schedule 1, attached hereto, subject to an annual increase as set forth in Section 271. (Amended by Ord. 451 and 477)

No services or connections larger than 6" shall be made, except by special agreement with the City Council. (Amended by Ord. 451)

(b) Monthly Use Rates shall be as set forth in Schedule of Water Use Rates Inside City Limits, attached hereto, subject to an annual increase as set forth in Section 271 of this Ordinance. (Amended by Ord. 477)

(c) [Subsection (c) deleted by Ord. 433.]

(d) Monthly Demand Rates are minimum fees charged on a monthly basis to users requiring an average of 50,000 or more cubic feet of water each month. The Demand Rate charge is in addition to the Monthly Base Rate. If the Monthly Use Rate charge is less than ninety percent (90%) of the Demand Rate charge, then the user will be billed ninety percent (90%) of the Demand Rate charge. If the Monthly Use Rate charge is greater than ninety percent (90%) of the Demand Rate charge, then the user will be billed the Monthly Use Rate charge.

(1) Upon application to the City for water and for the first twelve (12) months of water billings, the Monthly Demand Rate shall be the fee for the quantity of water that the user states is required monthly, and which quantity is approved by the City, calculated in accordance with the Monthly Use Rates.

(2) For each subsequent twelve (12) month period, the Monthly Demand Rate shall be the greater of:

a. the fee for the quantity of water that the user states is required monthly, and which quantity is approved by the City, calculated in accordance with the Monthly Use Rate; or

b. the fee for the average monthly quantity of water actually used, during the previous twelve (12) month period, calculated in accordance with the Monthly Use Rate.

(e) Multi-family units with meters shall be charged as if the units were separate units. Multi-family units without separate meters shall be charged the greater of:

(1) a minimum equal to the monthly base rate for a 5/8 inch meter inside the City per month per unit; or

(2) a rate established applying the 3/4" meter Monthly Base Rate per unit and adding the Monthly Use Rate of the average cubic feet of usage per unit, multiplied times the number of units. (Amended by Ord. 445)

(f) Hotels, motels and other temporary accommodations, on a daily basis, shall be subject to the fees established in this Article 270 and in addition shall be charged \$1.00 per bathroom per month.

(g) Separate housing units serviced by one meter shall be treated as multi-family units.

(h) Billing dates are effective on the date that water is delivered through the meter. In the event of billing on a two (2) month basis, the minimum charges shall be doubled and the charges based on the quantity of water consumed shall be averaged to create a monthly usage that will be subject to the rates of this Article 270.

(i) Water rates shall be reevaluated annually in April.

271. CPI ESCALATOR. On January 20th of each year, commencing January 20, 2006, each rate, fee, or charge established by this Ordinance and then in effect shall be subject to an increase; provided, however, that the TRF portion of the monthly base rate for water service inside and outside the City shall not be subject to the increase under this paragraph. The amount of the increase shall be based upon the consumer price index (CPI) of the California Department of Industrial Relations, Division of Labor Statistics, for November, 2004 (all urban consumers)("Base Index"). The increase shall be in the same proportion as the index price for the month of November just preceding the adjustment has increased over the Base Index. The increase of the fees, rates, and charges shall be the amount so determined, rounded to the nearest one cent. Any adjustment to the fees, rates, and charges as hereinbefore provided shall likewise be adjusted on January 20th of each succeeding year. If the index price has decreased, rates, fees, and costs will remain the same

until the index price exceeds its previous high. The rate, fee, or charge shall not be subject to decrease under this section.

ARTICLE XVII. RATES OUTSIDE CITY LIMITS

280. RATE SCHEDULE. Rates for water services outside the limits of the City of Blue Lake, California, shall be composed of a Monthly Base Rate and either, a Monthly Use Rate or a Monthly Demand Rate, which are hereby established as follows:

(a) Monthly Base Rates shall always be charged for each month in which a meter is in service and shall always be in addition to the Monthly Use Rate or the Monthly Demand Rate and are as set forth in Schedule 2, attached hereto, subject to an annual increase as set forth in Section 271. (Amended by Ord 451 and 477)

No services or connections larger than 3" shall be made, except by special agreement with the City Council. (Amended by Ord. 451)

(b) Monthly Use Rates shall be as set forth in Schedule of Water Use Rates Outside City Limits, attached hereto, subject to an annual increase as set forth in Section 271 of this Ordinance. (Amended by Ord. 477)

(c) Monthly Demand Rates are minimum fees charged on a monthly basis to users requiring an average of 50,000 or more cubic feet of water each month. The Demand Rate charge is in addition to the Monthly Base Rate. If the Monthly Use Rate charge is less than ninety percent (90%) of the Demand Rate charge, then the user will be billed ninety percent (90%) of the Demand Rate charge. If the Monthly Use Rate charge is greater than ninety percent (90%) of the Demand Rate charge, then the user will be billed the Monthly Use Rate charge.

(1) Upon application to the City for water and for the first twelve (12) months of water billings, the Monthly Demand Rate shall be the fee for the quantity of water that the user states is required monthly, and which quantity is approved by the City, calculated in accordance with the Monthly Use Rates.

(2) For each subsequent twelve (12) month period, the Monthly Demand Rate shall be the greater of:

a. the fee for the quantity of water that the user states is required monthly, and which quantity is approved by the City, calculated in accordance with the Monthly Use Rate; or

b. the fee for the average monthly quantity of water actually used during the preceding twelve (12) month period, calculated in accordance with the Monthly Use Rate.

(d) Multi-family units with meters shall be charged as if the units were separate units. Multi-family units without separate meters shall be charged the greater of:

(1) a minimum equal to the monthly base rate for a 5/8 inch meter inside the City per month per unit; or

(2) a rate established applying the 3/4" meter Monthly Base Rate per unit and adding the Monthly Use Rate of the average cubic feet of usage per unit, multiplied times the number of units. (Amended by Ord. 445)

(e) Hotels, motels and other temporary accommodations, on a daily basis, shall be subject to the fees established in this Article 280 and in addition shall be charged \$1.00 per bathroom per month.

(f) Separate housing units serviced by one meter shall be treated as multi-family units.

(g) Billing dates are effective on the dates that water is delivered through the meter. In the event of billing on a two (2) month basis, the minimum charges shall be doubled and the charges based on the quantity of water consumed shall be averaged to create a monthly usage that will be subject to the rates of this Article 280.

(h) Water rates shall be reevaluated annually in April.

[(i) CPI ESCALATOR. On June 20th of each year, commencing June 20, 2000, each rate, fee, or charge established by this Ordinance and then in effect shall be subject to an increase; provided, however, that neither the TRF portion of the monthly base rate nor the monthly use rate for water service inside or outside the City shall be subject to increase under this paragraph. The City Council determines the TRF portion of the monthly base rate for water service inside the City to be as set forth in Schedule 1 and the TRF portion of the monthly base rate for water service outside the City to be as set forth in Schedule 4. The amount of the increase shall be based upon the consumer price index (CPI) of the California Department of Industrial Relations, Division of Labor Statistics, for April, 1999 (all urban consumers) The increase shall be in the same proportion as the index price for the month of April just preceding the adjustment has increased over the base index. The increase of the fees, rates, and charges shall be the amount so determined. Any adjustment to the fees, rates, and charges as hereinbefore provided shall likewise be adjusted on June 20th of each succeeding year. (Added by Ord. 445)]

[(j) TERMINATION OF INCREASE FOR TURBIDITY REDUCTION FACILITY. It is expected that by June 30, 2003, the TRF portion of the monthly base rate for water service inside and outside the City established by this Ordinance will have produced enough revenue to pay the

City's share of the TRF. Once this has been achieved, the TRF portion of each base rate shall be terminated and the base rates established by this Ordinance shall be reduced to reflect only the O & M portion of the base rate. (Added by Ord. 445)]

ARTICLE XVIII. MISCELLANEOUS PROVISIONS

290. POOLS AND TANKS. Swimming pools and large tanks shall be filled from a metered service and shall be billed at the rates identified in Articles XVI and XVII of this ordinance.

291. RESPONSIBILITY FOR EQUIPMENT. The customer shall, at his own risk and expense, furnish, install and keep in good safe condition all equipment that may be required for receiving, controlling, applying and utilizing water on his premises, and the City shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, operating or interfering with such equipment. The City shall not be responsible for damage to property caused by faucets, valves and other equipment that are open when water is turned on at the meter, either originally or when turned on after a temporary shutdown.

292. VALIDITY. The City Council of the City of Blue Lake hereby declares that should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the City Council of the City of Blue Lake that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

293. DATE OF EFFECT. This ordinance shall be in force and effect thirty (30) days after its adoption.

294. NONCONFORMING MOBILE HOME PARKS. Notwithstanding any other provision of this ordinance, for all mobile home parks within the city limits of the City of Blue Lake which do not conform to the requirements of Section 609, Mobile Home Park Standards, of the Blue Lake Zoning Ordinance No. 382 because such mobile home park was already in existence at the time the said zoning ordinance provision became applicable to such mobile home park, the following provisions shall apply:

(a) Single Master Meter. The mobile home park, at the option of the applicant, may utilize a single master meter through which service shall be provided to all buildings, mobile homes, and temporary mobile home or recreational vehicle spaces in the park.

(b) Installation Charges. Installation charges for the single master meter shall be as provided

in Sections 74 and 75 of this ordinance.

(c) Water Rates. Rates for water service through the single master meter shall be as provided in Section 270(e) of this ordinance, and the separate housing units serviced by the single master meter shall be treated as multi-family units pursuant to Section 270(g) of this ordinance. (Added by Ord. 389)

SCHEDULE 1

SCHEDULE OF WATER USE RATES INSIDE CITY LIMITS EFFECTIVE JANUARY 20, 2005

Monthly Use Rates Inside City Limits (Section 270(b))
Up to and including 200 cubic feet, a rate of \$0.60 per 100 cubic feet.
From 201 cubic feet to 400 cubic feet, a rate of \$0.90 per 100 cubic feet.
From 401 cubic feet to 1200 cubic feet, a rate of \$1.00 per 100 cubic feet.
From 1201 cubic feet and greater, a rate \$1.24 per 100 cubic feet.

SCHEDULE 2

SCHEDULE OF WATER USE RATES OUTSIDE CITY LIMITS EFFECTIVE JANUARY 20, 2005

Monthly Use Rates Outside City Limits (Section 280(b))
Up to and including 200 cubic feet, a rate of \$0.70 per 100 cubic feet.
From 201 cubic feet to 400 cubic feet, a rate of \$1.00 per 100 cubic feet.
From 401 cubic feet to 1200 cubic feet, a rate of \$1.20 per 100 cubic feet.
From 1201 cubic feet and greater, a rate \$1.35 per 100 cubic feet.